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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/865,940 | 05/25/2001 | Gary A. Gibson | 10007137-1 | 6644 |

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EXAMINER

HINDI, NABIL Z

ART UNIT

PAPER NUMBER

2655

DATE MAILED: 03/10/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/865,940

Applicant(s)

GIBSON ET AL.

Examiner

NABIL Z HINDI

Art Unit

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 8-17 and 19-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Gibson et al (5557596).

Fig 3 of the reference correspond to fig 3 of the preferred embodiment of the claimed invention and fig 5 of the reference corresponds to fig 5 of the preferred embodiment of the claimed invention. The reference shows an optical data writing and reading apparatus comprising a medium having a plurality of data storing areas fig 1B elements 140-146, an array of directed light emitting elements for selectively emitting a read and write beams on the medium elements 102 and 104 of fig 3 (corresponding to element 43 in fig 3 of the claimed invention), a medium disposed in the data storage area for changing during the writing process fig 3 element 208 and 250 (corresponding to element 45 in fig 3 of the claimed invention), a detection region fig 3 element 204 (corresponding to element 47 in fig 3 of the claimed invention), and a detector fig 3 elements 202 and 206 (corresponding to elements 48 and 49 in fig 3 of the claimed invention).

With respect to the limitations of claims 2, 16 and 21 see elements 102 and 104.

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With respect to the limitations of claims 3, 17, 22 and 23 see fig 3 elements e- and e+ and the junction element 204.

With respect to the limitation of claim 4 see fig 3 elements 202 and 206 corresponding to elements 48 and 49 of the claimed invention.

With respect to the limitation of claim 5 see fig 5 element 358.

With respect to the limitations of claims 8 and 19 see fig 5 element 352.

With respect to the limitation of claim 9 see fig 3 element 200.

With respect to the limitation of claim 10. the use of a protection layer is inherent in any optical data storage medium.

With respect to the limitations of claims 11-13. the limitations read on a writing layer (phase changing) and the structural elements of the medium, see figs 2a and 4b.

With respect to the limitation of claim 14 see element 154.

With respect to the limitation of claim 24. it is well established in the art that during the read operation. the read beam intensity is lower than the write beam intensity and it is constant.

With respect to the limitation of claim 25. it is well established in the art that during the write operation the write beam is modulated based on the data to be written on the medium.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Gibson (6473388).

Fig 1 of the reference corresponds to fig 5 of the claimed invention. The reference shows an optical medium reading and writing apparatus comprising a medium 100 having a plurality of data storing areas 110, 112 and 114, an electron array of light emitting elements for reading or writing data on a medium 118, a medium disposed on the data storage areas 104, a detection region 102 and a detector 124 and 126.

With respect to the limitations of claims 2, 16 and 21 see element 118 (column 3 lines 25-27).

With respect to the limitations of claims 3, 17, 22 and 23 see fig 1 element E.

With respect to the limitation of claim 4 see element 122.

With respect to the limitations of claims 5-7 and 18. the reference shows the use of a measuring device 124, 126 for measuring the potential across the electrodes 106 and 108.

With respect to the limitations of claims 8, 9, and 19 see elements 110, 112, 114 and 116 corresponding to elements 58 of fig 5 of the claimed invention.

With respect to the limitations of claims 10-13. the limitations are drawn to the medium structure such as the recording layer, protection layer...etc. see column 6 lines 30-68.

With respect to the limitation of claim 14 see element 119.

With respect to the limitation of claim 24. it is well established in the art that during the read operation. the read beam intensity is lower than the write beam intensity and it is constant.

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With respect to the limitation of claim 25, it is well established in the art that during the write operation the write beam is modulated based on the data to be written on the medium.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. 6643248 figs 5 and 6..

Any inquiry concerning this communication should be directed to NABIL Z HINDI at telephone number (703) 308-1555.


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